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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,388	07/06/2000	WOLFGANG STELZIG	10191/1355	7376
26646	7590	04/21/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	76

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,388

Applicant(s)

STELZIG

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1, 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments of the previous response, filed February 05, 2004, with respect to claims 10-18 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hayashi in view of Duch.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings were received on February 5, 2004. These drawings are approved.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 5,907,540) in view of Duch et al. (US 5,987,024).

3. Regarding claims 10 and 12, Hayashi discloses a bus station (Figure 1, items A-E) for exchanging with other bus stations communications including a data packet (Figure 7) and transmission information (Figure 10, item 13d and 13e). The bus station stores position information in relation to a sequence of bus stations (Figure 12, step 806; col. 11, lines 35-41)

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and forwards a received data packet (col. 12, lines 35-42). However, Hayashi does not disclose determining a time slot belonging to the bus station based on position information and transmitting the packet in the next time slot belonging to the bus station. Duch discloses bus stations which determine an appropriate time slot for transmission based on position information (col. 1, lines 44-57; col. 2, lines 45-55). Therefore, it would have been obvious to one skilled in the art at the time the invention was made for a bus station to determine an appropriate time period for communication in the invention of Hayashi in order to avoid data collisions with other bus stations within the range of the bus station or within a certain proximity to the bus station.

4. Regarding claims 11 and 16-17, in Hayashi a direction vector indicates a sequence that will be run (Figure 10, item 12f - RSAF; col. 9, lines 5-16; col. 9, line 63 through col. 10, line 2; col. 10, lines 3-5 and 10-13).

5. Regarding claim 13, in Hayashi a direction vector is used to transmit information (col. 11, lines 35-47; Figure 11, item 13e). A bus station determines if another bus station has previously transmitted the data packet (Figure 6, steps 601, 604 and 613), and if not, the data packet is transmitted (step 604 and 608).

6. Regarding claims 14 and 15, in Hayashi a data packet is not monitored for repetition in a reverse direction (Figure 6, step 604, 615 and 617; col. 9, lines 43-55) and data packets are forwarded in a forward direction when received from a data source (col. 10, lines 13-24).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Duch as applied to claim 10 above, and further in view of Faber (US 5,369,745).

7. Regarding claim 18, Hayashi in view of Duch does not disclose selecting a packet for transmission based on a shorter remaining transit time. Faber discloses selecting a packet for

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transmission based on remaining transit time (col. 3, lines 40-45) where the unselected packet is not transmitted (processed). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit a packet with the shorter remaining transit time in the invention of Hayashi in view of Duch in order to reduce congestion within the network by transmitting the data packet which will reach its destination soonest (Faber, col. 1, lines 18-25).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meier et al. (US 5,394,436) discloses a spanning tree protocol used in a wireless network (Figures 1-2; abstract, line 5). Lau et al. (US 6,690,657) discloses a wireless network having arranged time slots for transmission based on a direction of communication (Figures 6-7 and 13).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



April 18, 2004

Seema S. Rao
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